IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.4575-M of 2007
Date of decision: February 5, 2007.

Piara Singh

...**Petitioner(s)**

v.

State of Punjab & Ors.

...**Respondent(s)**

Present: Shri S.S. Majithia Advocate for the petitioner.

Surya Kant, J. (Oral)

This petition is directed against the order dated December 19, 2006 passed by the learned Additional Sessions Judge, Amritsar whereby the respondent-accused have been admitted to pre-arrest bail in a private criminal complaint.

The afore-mentioned order is impugned on the ground that the respondent-accused were earlier declared proclaimed offenders vide order dated February 9, 2006 by the learned Judicial Magistrate First Class,. Therefore, they ought not to have been granted the pre-arrest bail.

It appears from the impugned order itself that the interim pre-arrest bail was granted to the respondents by the learned Additional Sessions Judge vide his order dated July 17, 2006, which has now been confirmed vide the impugned order dated December 19, 2006. While granting the concession of anticipatory bail, the learned Additional Sessions Judge has taken notice of the fact that except offence under section 452 IPC, rest of the alleged offences are bailable and no purpose would be served by sending the accused in jail while they are already putting in appearance.

It is not the case of the petitioner that after the grant of ad-interim pre-arrest bail on July 17, 2006, the respondents have misused the said concession in any manner.

Reliance is being placed upon two judgments of this Court in

the cases of **Parminder Singh garcha v. State of Punjab**, 2004(1) Crl.C.C. 428 and **Rajbir alias Lilu v. State of Haryana**, 2004(2) Crl.C.C.190.

As the facts of the cases relied upon by Learned Counsel for the petitioner are totally distinguishable, no infirmity can be found with the impugned order.

Consequently, I do not find any merit in this petition, which is, accordingly, dismissed.

February 5, 2007. [**Surya Kant**]
kadyan **Judge**